

IN RE: PETITION FOR ZONING VARIANCE  
7/5 Stevenson Road, 70' S of  
the c/l of Anton Farms Road  
(8315 Stevenson Road)  
3rd Election District  
2nd Councilmanic District  
Neil Ambach  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 89-551-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a side yard setback of 12 feet in lieu of the required 15 feet for an existing addition as more particularly described in Petitioner's Exhibit 1.

The Petitioner, by Harriette Cohen, Esquire, appeared and testified. Also appearing on behalf of the Petition were Raymond Weller of the J. E. Dagen Construction Co., Contractor. Appearing and testifying as a Protestant in the matter was Mrs. H. L. Savitt, adjoining property owner.

Testimony indicated that the subject property, known as 8315 Stevenson Road, consists of .485 acres more or less zoned D.R. 2 and is improved with a single family dwelling and carport addition. Testimony presented indicated Petitioner contracted to have a 3' x 16' addition constructed along the side of the existing carport to provide an enclosed storage area for trash cans. Mrs. Cohen testified the subject addition was constructed to avoid unsightly storage of trash cans as well as to keep neighborhood pets from rummaging through trash awaiting pick-up. Ms. Cohen indicated there is access to the storage area as it abuts the existing carport attached to the dwelling. Testimony indicated that as a result of a complaint filed with the zoning office, Petitioner was advised to file the instant Petition to allow the addition to remain. Petitioner

testified the granting of the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Mrs. Savitt testified she resides on the adjacent property known as 8317 Stevenson Road. Her main concern appeared to be with the barking and nuisance created by the Petitioner's three dogs, who were often kept near the storage area. Mrs. Savitt testified the storage addition is located in close proximity to her bedroom window. Ms. Cohen testified the dogs are now kept inside as a result of Mrs. Savitt's complaints about the dogs.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

The issue of the presence of the dogs is not controlling as to the relief requested pursuant to the Petition for Zoning Variance. The variance is controlled by the case law and statutes involved. There is no evidence that the health, safety or general welfare have been or will be harmed by the storage area.

- 2 -

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 6th day of July, 1989 that the Petition for Zoning Variance to permit a side yard setback of 12 feet in lieu of the required 15 feet for an existing addition in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

JRH:bjs

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

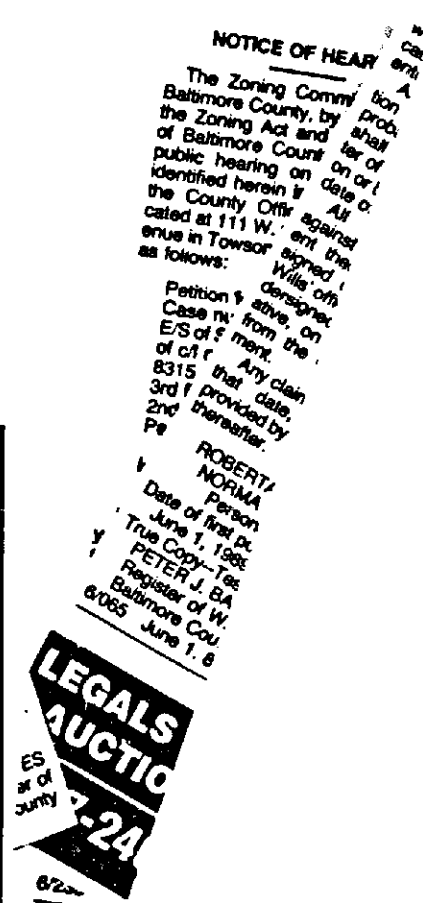
CERTIFICATE OF PUBLICATION

TOWSON, MD., June 15, 1989

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on June 15, 1989.

THE JEFFERSONIAN.

Publisher



PETITION FOR ZONING VARIANCE  
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1892-34.1 (R.20, March 30, 1955) to permit a side yard setback of 12' in lieu of the minimum 15'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)

- 1) The intrusion is limited to a small area, abutting existing carport, and allows for clean and attractive handling of trash cans only.
- 2) w/o the requested variance the neighborhood pets make a mess of same trash.
- 3) A complaint has been filed and withdrawn when the purpose for enclosure was discussed. It is now a nuisance and unanimously accepted by plaintiff.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State

Legal Owner(s):  
(Type or Print Name)  
Signature  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State

Attorney's Telephone No.:  
Home No.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 3rd Date of Posting: June 21, 1989

Posted for: Towson

Petitioner: Neil Ambach

Location of property: E/S of Stevenson Road, 70' S of c/l of Anton Farms Road, 8315 Stevenson Road

Location of Signs: In front of 8315 Stevenson Road

Remarks: A. J. Ambach

Posted by: A. J. Ambach Date of return: June 22, 1989

Number of Signs: 1

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
494-3333

June 1, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance  
CASE NUMBER: 89-551-A  
E/S of Stevenson Road, 70' S of c/l of Anton Farms Road  
8315 Stevenson Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Neil Ambach  
HEARING SCHEDULED: WEDNESDAY, JULY 12, 1989 at 11:00 a.m.

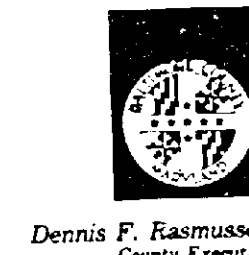
Variances To permit a side yard setback of 12 ft. in lieu of the minimum 15 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES  
Zoning Commissioner of  
Baltimore County

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 897-3333  
J. Robert Haines  
Zoning Commissioner

July 28, 1989



Harriette Cohen, Esquire  
111 Hamlet Hill Road  
Baltimore, Maryland 21210

RE: PETITION FOR ZONING VARIANCE  
E/S Stevenson Road, 70' S of the c/l of Anton Farms Road  
(8315 Stevenson Road)  
3rd Election District - 2nd Councilmanic District  
Neil Ambach - Petitioner  
Case No. 89-551-A

Dear Ms. Cohen:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: People's Counsel

File

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 897-3333  
J. Robert Haines  
Zoning Commissioner

Date: 6/20/89

Mr. Neil Ambach  
8315 Stevenson Road  
Baltimore, Maryland 21208

Re: Petition for Zoning Variance  
CASE NUMBER: 89-551-A  
E/S of Stevenson Road, 70' S of c/l of Anton Farms Road  
8315 Stevenson Road  
3rd Election District - 2nd Councilmanic  
Petitioner(s): Neil Ambach  
HEARING SCHEDULED: WEDNESDAY, JULY 12, 1989 at 11:00 a.m.

Dear Petitioner(s):

Please be advised that \$ 74.03 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and post set(s) from the line it is posted by this office until the day of the hearing.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post set(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

BALTIMORE COUNTY, MARYLAND No. \_\_\_\_\_ s will be an additional

OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

DATE: 7/10/89 ACCOUNT: 89-551-A

AMOUNT: \$ 74.03

RECEIVED FROM: Neil Ambach

FOR: Paid to 7/10/89 Hearing 89-551-A

VALIDATION OF SIGNATURE OF CASHIER



**DIAMONDS WANTED**

Immediate cash paid for diamonds, gold, jewelry, coins, etc.

**Equitable Jewelry & Loan**  
5912 Liberty Rd., 944-3236

IN THE EVENT THAT PIERMONT IS GRANTED A BUILDING PERMIT FOR THE PROPOSED 120,000-SQ-FT ADDITION, THE ZONING COMMISSION WILL CONSIDER THE PROPOSED ADDITION TO BE A RESIDENTIAL USE. THE CITY ENGINEER HAS REQUESTED THAT THE APPLICANT SUBMIT A STUDY OF THE EFFECTS OF THE PROPOSED ADDITION ON THE ADJACENT RESIDENTIAL USES. THE CITY ENGINEER HAS REQUESTED THAT THE APPLICANT SUBMIT A STUDY OF THE EFFECTS OF THE PROPOSED ADDITION ON THE ADJACENT RESIDENTIAL USES. THE CITY ENGINEER HAS REQUESTED THAT THE APPLICANT SUBMIT A STUDY OF THE EFFECTS OF THE PROPOSED ADDITION ON THE ADJACENT RESIDENTIAL USES.

**JOHN HAINES**  
ZONING COMMISSIONER

**JOHN HAINES**  
ZONING COMMISSIONER

J. ROBERT HAINES  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

J. ROBERT HAINES  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

Cost of Advertisement 521.00

cc: Neil Ambach  
File

Dennis F. Rasmussen  
County Executive

Prior to the phone call, this office had no record of this party's address.

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SLDF STR SETB:
REAR SETB:      NC
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I HAVE CAREFULLY READ THIS APPLICATION AND KNOW THE SAME IS TRUE AND THAT IN DOING THIS WORK ALL PROVISIONS OF THE BALTIMORE COUNTY AND APPROPRIATE STATE REGULATIONS WILL BE COMPLIED WITH WHETHER OR NOT REQUIRED OR NOT AND WILL REQUEST ALL REQUIRED INSPECTIONS.

Plat for Zoning Variance 21,105 sq ft  
 Owner: Neil Ambach 0.485 ac.  
 District 3, Zoned DR 2  
 Subdivision - Stevenson at Anton Farms, Sec II  
 Lot 2, Block A, Book 30, Folio 46  
 Utilities in Stevenson Road

A black and white photograph of a traditional thatched-roof hut, possibly a dwelling or a storage structure. A person is standing inside the open doorway. The hut is built on a raised platform and has a steeply pitched roof made of palm fronds or similar natural materials. The surrounding area appears to be a clearing or a field.

Protestants'  
Exhibits  
1A - 1E  
Photographs



89-551-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Your petition has been received and accepted for filing this  
m 2nd day of IV, 1989.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Petitioner: Neil Ambach  
Petitioner's Attorney: \_\_\_\_\_  
Received by: James E. Dyer  
Chairman, Zoning Plans  
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 22, 1989

COUNTY OFFICE BLDG.  
111 W. Chesapeake Ave.  
Towson, Maryland 21204

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MEMBERS

Bureau of  
Engineering  
Department of  
Traffic Engineering  
State Roads Commission  
Bureau of  
Fire Prevention  
Health Department  
Project Planning  
Building Department  
Board of Education  
Zoning Administration  
Industrial  
Development

Mr. Neil Ambach  
8315 St. Anson Road  
Baltimore, MD 21208

RE: Item No. 455, Case No. 89-551-A  
Petitioner: Neil Ambach  
Petition for Zoning Variance

Dear Mr. Ambach:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER

Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
Courts Building, Suite 405  
Towson, Maryland 21204  
(801) 887-3351

June 6, 1989



Dennis F. Rasmussen  
County Executive

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for item numbers 449, 450, 451, 452, 453, 455, 456, 457, 458, and 459.

Very truly yours,

*Michael S. Flanagan*  
Michael S. Flanagan  
Traffic Engineer Assoc. II

MSF/lw

Baltimore County  
Fire Department  
800 York Road  
Towson, Maryland 21204-2386  
(301) 887-4500

Paul H. Reincke  
Chief



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: Neil Ambach

Location: E/S of Stevenson Road, 70' S of centerline of Antton Farms Road

Item No.: 455 Zoning Agenda: May 2, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Pat Keller* 5-13-89  
Planning Group  
Special Inspection Division

Noted and Approved  
*Capt. Tom Brandy*  
Fire Prevention Bureau

RECEIVED  
MAY 1 1989

ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: June 12, 1989  
FROM: Robert W. Bowling, P.E.  
RE: Zoning Advisory Committee Meeting  
for May 2, 1989

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 449, 450, 452, 455, 456, 457, 459.

For items 451 and 453 the previous County Review Group comments are still valid.

Comments are attached for item 458.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., Chief  
Developers Engineering Division

RWB:s

Encl.

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: June 22, 1989  
Zoning Commissioner  
FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning  
SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-551-A  
Item No. 455

Re: Neil Ambach

The Petitioner requests a variance to permit a side yard setback of 12 feet in lieu of the required 15 feet. In reference to this request, staff offers no comment.

A:71289.txt Pr.1